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APR 01 2004

**OFFICE OF PETITIONS**

In re Application of :  
Tresser : ON PETITION  
Filed: 15 October, 2003 :  
Application No. 10/684,641 :  
Docket No.: 00280757aa :  
:

This is a decision on the petition filed on 8 March, 2004, and considered as seeking to have accorded to Page 5 of the specification (description and claims) of the instant application a filing date of 15 October, 2003.

The petition is **GRANTED**, and the petition fee (\$130.00) is refunded via Treasury check.

The application was deposited on 15 October, 2003.

On 25 February, 2004, the Office mailed a Notice of Omitted Items in a Nonprovisional Application (the Notice), and indicated therein that "Page(s) 5 of the specification (description and claims)" appeared to have been omitted. Petitioner also was informed that he/she could accept the application as filed, or seek either to: (a) have accorded to the entire application the filing date on which the omitted item was supplied, or (b) have a determination that the omitted item was present on filing.

Thereafter, on 8 March, 2004, C. Lamont Whitham (Reg. No. 22,424) filed the instant petition, and therewith supplied:

- a copy of the receipt card (see: MPEP §503) evidencing the filing by hand on 15 October, 2003, of the instant application containing, *inter alia*: "Docket No 00280757aa . . . In re patent application of Charles P. Tresser . . . For Error Diffusion w/Averaged Directional Biases . . . 27 Pages in Specification . . . 43 No. of claims [2 independent . . .] . . . 4 Sheets of Drawings formal . . . Abstract . . . Transmittal Sheet . . . Fee Calculation Form . . . Combined Declaration and Power of Attorney . . . Assignment . . . Recordation Form Cover Sheet . . . Information Disclosure Statement . . . PTO-1449 and associated art (13 docs.) . . . Other: Assoc. Power of Atty Fees \$1224 Deposit Account NO (if applicable) 50-0510 (IBM Yorktown) (1184.- filing fee; 40.- Assignment charge) . . . Atty:Asst. CLW"; and
- a copy of a document purporting to be Page 5 of the specification (description and claims);
- Petitioner's statement incorporated into the petition.

A review of the application papers reveals that the application in fact was filed and received in the Office on 15 October, 2003, and that a comparison of the date-stamped (15 October, 2003) copy of the receipt card filed by Petitioner and the contents of the file indicate that the file contains, *inter alia*, specification pages 1 - 4 and 6 - 19 (description), 20 - 26 (claims), and 27 (abstract), with 4 sheets of drawings (Figs. 1a, 1b, 2 and 3) (as described in the specification).

Because the return postcard receipt properly itemizes the contents of the application package in accordance with MPEP §503, the Office concludes that Page 5 of the specification (description and claims) was submitted on 15 October, 2003, and subsequently was misplaced in the Office.

Accordingly, the petition under 37 C.F.R. §1.53 is **granted**.

The Notice mailed on 25 February, 2004, hereby is withdrawn as to Page 5 of the specification (description and claims).

This application is released to the Office of Initial Patent Examination for further processing with a filing date of 15 October, 2003, using:

- specification pages 1 - 4 and 6 - 19 (description), 20 - 26 (claims), and 27 (abstract), with 4 sheets of drawings (Figs. 1a, 1b, 2 and 3) (as described in the specification), deposited on 15 October, 2003; and
- page 5 of the specification (description/claims), deposited on 8 March, 2004; and
- further with direction to OIPE to correct Office records to reflect that four 27 pages of

specification (description, claims and abstract) and 4 sheets of drawings were present on filing on 15 October, 2003; and forward to Petitioner a copy of the corrected filing receipt reflecting a filing date of 15 October, 2003, reflecting therein that 27 pages of specification (description, claims and abstract) and four (4) sheets of drawings were present on filing.

Thereafter, the application will be considered by the examiner in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (703)305-9199.



John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions